

AO 450 (Rev. 5/85) Judgment in a Civil Case ⊕

UNITED STATES DISTRICT COURT

***** DISTRICT OF NEVADA

DEREK ANTHONY COSTANTINO,

Petitioner,

JUDGMENT IN A CIVIL CASE

V.

CASE NUMBER: 3:09-CV-00192-RCJ-VPC

E.K. McDANIEL, et al.,

Respondents.

___ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

___ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

X **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the respondents' motion to dismiss (#8) is **GRANTED**. The petition is **DISMISSED WITH PREJUDICE** as untimely.

IT IS FURTHER ORDERED that petitioner is **DENIED A CERTIFICATE OF APPEALABILITY**.

March 30, 2010

LANCE S. WILSON

Clerk

/s/ D. R. Morgan

Deputy Clerk